

If your 'leaders' follow, elect somebody else

By ROD DRIVER

When a legislative body has a lopsided majority of members from one party, that majority can do just about anything it pleases, ignoring voices of the minority members. In the General Assembly, Democrats dominate the House 62-13 and the Senate 33-5. To make matters worse, most of the majority legislators simply follow their leaders. They want to be seen as "team players."

This is convenient for lobbyists. Instead of trying to convince 113 legislators to support their interests, lobbyists just need to give regular "campaign contributions" to a half dozen leaders.

The legislative process is actually rather simple. In the House, if the Speaker doesn't endorse a bill it dies in committee.

If he gives a bill his blessing it passes easily. And this has pretty much been the case for as long as I've observed the action — from my first days as a state representative 20 years ago.

In 1988 my bill to ban smoking in schools, strongly supported by the Cancer Society and the Lung Association, died in committee.

Two of the bill's cosponsors, were members of the committee, and could have moved for committee approval. But without permission from the leaders they just sat quietly.

On the other hand, also in 1988, a bill came to the floor of the House allegedly to increase a liquidity-reserve requirement for credit unions.

I pointed out that, instead of increasing, it would actually eliminate the reserve requirement. On instructions from the leadership the

bill passed, and it contributed to the 1991 collapse of the RI credit-union system.

But if there's one thing the legislative leaders don't want it's "voter initiative," a process by which citizens petition to put a question on the ballot. So year after year voter-initiative bills die in committee. Even when more than 20,000 Rhode Islanders signed a petition last year asking for the opportunity to vote on the matter, the request was trashed in committee. According to legislative leaders, the people can't be trusted to make laws. This requires the services of a "deliberative body."

So consider some recent work of Rhode Island's "deliberative body."

On June 15, 2007 the House took up the state budget. During the first nine hours of the session amendments endorsed by the leaders passed easily. Those proposed by Republican members were soundly defeated, including Rep. Nick Gorham's move to end the Assembly leaders' personal control over millions of dollars for "legislative grants." So far, nothing surprising.

But a truly astonishing thing happened at 11:40 PM — after the reporters had left. Those of us who were still watching saw Rep. Charlene Lima (D, Cranston) introduce a major new bill designed to make it almost impossible for the state to ever again privatize state work. This was a surprise to almost everyone.

In view of recent problems about state contracts with private vendors, it would be appropriate to study potential remedies. And a bill to do this was scheduled for a public hearing in committee four days later. But suddenly the bill wasn't going

to be studied. The hearing was cancelled. The bill was now bypassing the rules and arriving on the floor of the House without committee scrutiny, with no public hearing, and without the required 48 hours notice for such a hearing. Representative Lima didn't even bother with the simple formality of suspending the rules.

She explained that she was bypassing the prescribed process, with the Speaker's permission of course, and putting it in the budget "because the governor will probably veto privatization (sic), and it's easier to override a budget veto." (She might have added, "and the Senate never changes the budget.")

The Journal of the House of Representatives for June 15 (page 151) says the new bill was moved by "unanimous consent." What nonsense! Reps. Mumford, Trillo, Watson, Ehrhardt, Long, and Gorham promptly raised objections.

Representative's Watson and Gorham challenged the legitimacy of major new legislation, not available in advance. Speaker Murphy announced that the Parliamentarian found it to be OK. (Understand that the duty of the "Parliamentarian," employed at the pleasure of the Speaker, is to tell the Speaker what the Speaker wants to hear.)

No amendments were allowed. Representative Trillo was told that if he wanted to amend a bill he hadn't seen he should have had the amendment drafted and distributed to the member's two days ago.

After no substantive deliberation, the new section was approved 61-13. Only one Democrat, Rep. David Caprio, had the courage to consistently vote against this outrageous abuse of power.

The absurdities weren't over yet. Rep. Gorham gave the entire House a chance to let the voters decide on voter initiative. The "deliberative body" rejected it 47-17 without a moment's deliberation.

And one more: Rep. Watson and other sponsors of the original budget proposal were so dismayed at what had been done that they asked that their names be removed from the bill, as provided in House Rule 16(g). They were told they couldn't do that either.

In the remaining four days of the session this "deliberative body" wildly passed bills which few had read. On June 22 the House passed 200 bills, practically none of which experienced any deliberation. (House rules call for a maximum of 50 bills per day.)

You might think there would be some accountability. Surely legislators who just follow the leader would be voted out of office. But it rarely happens. John and Jane Q. Public may have a dim view of the General Assembly (and of Congress), but they are unaware of how their own representative and senator are voting. "My representative is doing a good job," they think. So they re-elect the incumbents.

The solution: If your representative or senator routinely follows the leader, including opposing any consideration of voter initiative, support and elect someone more responsible. And if you don't see such a candidate in your district, become one yourself.

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